

DOI Work Activity 59: Provide Oversight on Indian Trust

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| Program Area: | Indian Trust Fulfillment |
| End Outcome Goal: | SEO.3 - Fulfill Indian Fiduciary Trust Responsibilities |
| Intermediate Outcome Strategy: | SIO 3.4 - Manage Trust Fund Assets for Timely and Productive Use |
| DOI Sub process: | 5a – Manage programs |

Examples/Notes: Note: this activity collects costs associated with Trust reengineering

Work Activity Description: Activity includes all costs associated with indirect support to develop policies and procedures, provide training, and reengineer business processes to ensure standardized, best-practice operations, and to provide the infrastructure for well-trained staff and leadership. Activity also includes all costs associated with providing guidance and direction for implementing the business plan based on DOI strategic guidance, measuring implementation results, updating the business plan accordingly, and informing the Secretary on trust reform as follows:

- ◆ Coordinate policy and procedure review, development and management relating to all Indian trust asset reform and management activities to ensure fiduciary, regulatory and legal requirements are fulfilled;
- ◆ Develop a comprehensive and coordinated Indian Fiduciary Trust training program/course curriculum and delivery of training;
- ◆ Consolidate DOI Indian trust asset responsibilities into an organization accountable for executing, maintaining, and managing fiduciary trust activities;
- ◆ Benchmark and improve DOI trust processes and apply appropriate standards;
- ◆ Develop and maintain business processes and practices that are complete, consistent, reliable, and based on appropriate fiduciary standards;
- ◆ Manage the DOI trust workforce so positions are filled quickly with well-trained employees who are held accountable for effective performance;
- ◆ Prepare organizational workforce plans that are focused on staffing, recruitment, retention, and retirement forecasting, and develop associated infrastructure;
- ◆ Develop, implement, and maintain a comprehensive risk management program, including extensive internal and external management controls, to monitor and evaluate the effectiveness of DOI's trust operations;
- ◆ Develop a fiduciary duty focus and strategy for trust management;
- ◆ Develop an activity-based costing model for implementing trust enterprise business plan objectives; and
- ◆ Develop, maintain, and use clear performance measures to manage Indian trust asset operations and to assess performance.

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| Output: Program management products (business process, policies, procedures, regulations, training courses, etc.) | Unit of Measure: Number of program management products produced |
| Inputs: Staff time, travel, supplies/materials, and contractor support | Cost Drivers: American Indian Trust Fund Management Reform Act of 1994 and Comprehensive Trust Management Plan |

System Interfaces: Sitescape, MS access to track/monitor trust policies/procedures, RM-PLUS, ProTRAC, OST Info-Net

DOI Program Area Contact: Regina Gilbert (OST) and Marlene Walker (BIA)

DOI Work Activity 70: Process Litigation for Indian Trust

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| Program Area: | Indian Trust Fulfillment |
| End Outcome Goal: | SEO.3 - Fulfill Indian Fiduciary Trust Responsibilities |
| Intermediate Outcome Strategy: | SIO 3.1 – SIO 3.5 |
| DOI Sub process: | 5b – Sustain Organizations (Administrative/Legal) |

Examples/Notes:

Work Activity Description: Litigation is the formal process in a court or administrative agency in which legal rights and obligations are contested by the parties and decided by a judge. This activity (DOI work activity 70) covers any and all work associated with administrative or judicial litigation related to Indian Trust other than probate, including litigation support provided by the bureaus and offices, legal representation provided by the Office of the Solicitor, and adjudications provided by the Office of Hearings and Appeals.

Examples include litigation involving rights of way; trespass; fishing rights, and Indian trust asset management. Excluded are Indian probate cases (which are covered by activity U4), personnel-related litigation (which is covered by activities 76 and 78, and employee debt-related cases (which are covered by activity 62).

Work activities include the following when done in the context of litigation: reviewing case files and pleadings; factual investigations and legal research; preparing legal documents, testimony, and exhibits; responding to discovery requests; participating in direct negotiations or other alternate dispute resolution (ADR); participating in or conducting hearings (including related travel and court reporting costs); and preparing or reviewing judicial orders and decisions.

Legal tasks outside the context of litigation are covered by the specific programmatic activities, to which they relate, not by activity 70. These include drafting or reviewing legislation and regulations, seeking or providing legal advice, contracting and contract administration, and ADR intended to head off litigation. Also excluded from activity 70 is the cost of complying with decisions from administrative or judicial tribunals.

For cases where the bureau or office is responding to litigation filed by others, time should be charged to this activity once a complaint, notice of appeal, or other initiating document has been filed with the administrative or judicial tribunal. For cases where the bureau or office is initiating litigation against others, time should be charged to this activity once any preliminary review has been completed and a decision has been rendered by government attorneys (Solicitor's office or Department of Justice) to initiate litigation.

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| Output: Decision or settlement agreement disposing of litigation | Unit of Measure: Number of litigation matters concluded |
| Inputs: Staff time, document production, travel, materials/supplies, and postage fees | Cost Drivers: Cobell Litigation, Tribal Litigation, and American Indian Trust Fund Management Reform Act of 1994 |

System Interfaces: MS Office Professional, ProTRAC, OST Info-Net

DOI Program Area Contact: Regina Gilbert (OST), Marty Heinze (MMS), Marlene Walker (BIA), and Kevin Anderson (BLM)

DOI Work Activity 1X: Provide Stewardship and Management of Trust Land and Natural Resources

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| Program Area: | Indian Trust Fulfillment |
| End Outcome Goal: | SEO 3 - Fulfill Indian Fiduciary Trust Responsibilities |
| Intermediate Outcome Strategy: | SIO 3.3 - Improve Management of Land and Natural Resource Assets |
| DOI Sub process: | 4a – Manage use of resources |

Examples/Notes:

Work Activity Description: Activity includes all costs associated with stewardship of trust land and natural resources involving management of these resources and assets, and administration of surface and subsurface leases and permits in the best interest of the individual beneficiaries in accordance with applicable treaties, laws, and regulations as follows:

- ◆ Assessing trust data in existing legacy systems, data clean up, trust data validation/ correction, and development/implementation of data quality assurance procedures;
- ◆ Providing stewardship and management of land and natural resource assets in the best interest of the beneficiaries, while fulfilling fiduciary and legal responsibilities. BLM provides approval of operations for mineral leases;
- ◆ Approving or disapproving leases including NEPA and related environmental clearances, appraisal review, consultations with lessee and lessors, technical evaluations, lease preparation, and issuance;
- ◆ Acquiring and disposing tribal lands (both tribal and restricted), conducting cadastral surveys, and updating and maintaining title, record and survey information (LTRO and TSO report functions); and
- ◆ Obtaining appraisal information on trust and restricted lands for tribal and individual Indian owners to determine the fair market value of trust property, using methods and techniques that meet professional standards (i.e., conducting the appraisal, providing consultation services, and review of final appraisal report).

Also includes all costs related to site visits, compliance, competitive sales, support activities, evaluation, fee collection, subleases, assignments, amendments, modifications, cancellations, terminations, and permits.

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| Output: Land acquisition actions (appraisal/consultation report, surveys) | Unit of Measure: Number of trust land acquisition actions completed |
| Inputs: Official appraisal request from BIA, staff time, travel, contract, leases and permits | Cost Drivers: Requests from BIA for appraisal services, acres of land in trust, number of leases and permits |

System Interfaces: LRIS, TAAMS, BIA agency and Tribal Office tracking system, OAS Regional Appraisal Office Tracking System, GIS, BIA Land Inventory Database, BIA Lease Database, and BIA Ownership Database.

DOI Program Area Contact: Regina Gilbert (OST) and Marlene Walker (BIA)

DOI Work Activity 9T: Manage Indian Land Consolidation

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| Program Area: | Indian Trust Fulfillment |
| End Outcome Goal: | SEO 3 - Fulfill Indian Fiduciary Trust Responsibilities |
| Intermediate Outcome Strategy: | SIO 3.2 - Improve Indian Trust Ownership and Other Information |
| DOI Sub process: | 4e – Acquire or convey interest in land & water |

Examples/Notes:

Work Activity Description: Activity includes all costs associated with addressing the complex issue of reducing fractionation on Indian trust and restricted lands, and developing additional ways of streamlining the ILCA process as follows:

- ◆ Develop expansion plans to all allotted reservations by considering federal and tribal government benefits and costs of Indian Land Consolidation Program (ILCP) using LTRO data on number of interests, fractionation rate, and costs provided by Office of Appraisal Services (OAS);
- ◆ Develop acquisition plan and payment provisions for Youpee interests;
- ◆ Develop alternative approaches for targeting tracts and owners to maximize benefits;
- ◆ Draft proposals for legislative and administrative changes to enhance program effectiveness and efficiency;
- ◆ Facilitate oversight, training and support to ILCO staff and contractor(s) to process applications and purchase interests;
- ◆ Collaborate with the Tribes and Tribal Land acquisition programs to identify targeted tracts;
- ◆ Maintain cooperative agreements with reservations;
- ◆ Identify program impacts on federal trust management;
- ◆ Develop case management system to increase efficiency in processing of applications for acquisition;
- ◆ Provide outreach of program to tribes and interest owners by newspaper, on-site visits, radio and other media; and
- ◆ Conduct periodic evaluations of ILCO field sites and Land, Titles & Records Offices.

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| Output: Acquired fractional interests | Unit of Measure: Number of acquired fractional interests |
| Inputs: ILCA, land sales options, land exchange options, sale options, consolidation options, writing Indian wills, gift deeds and joint tenancy, staff time, travel, supplies/materials, IT costs, contractor support | Cost Drivers: Indian Land Consolidation Act and the Amendments of 2000 (ILCA) and Indian Land Consolidation Program (ILCP) |

System Interfaces: LRIS, TAAMS, TFAS, Appraisal Systems

DOI Program Area Contact: Marlene Walker (BIA)

DOI Work Activity M6: Perform Historical Trust Accounting

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| Program Area: | Indian Trust Fulfillment |
| End Outcome Goal: | SEO.3 - Fulfill Indian Fiduciary Trust Responsibilities |
| Intermediate Outcome Strategy: | SIO 3.4 - Manage Trust Fund Assets for Timely and Productive Use |
| DOI Sub process: | 1b – Create information from data |

Examples/Notes:

Work Activity Description: Activity includes all costs associated with performing the historical accounting of the Individual Indian Money (IIM), Tribal Trust, and Special Deposit accounts as part of Cobell and Tribal litigation as follows:

- ◆ Perform reconciliation of IIM accounts and Tribal Trust accounts as part of the Cobell litigation;
- ◆ Perform reconciliation to identify or reclassify funds that were improperly held in special deposit accounts and distribute monies to proper IIM accounts, tribes, or private entities; and
- ◆ Perform reconciliation of Judgment and Per Capita IIM accounts;

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| Output: Reconciled trust accounts | Unit of Measure: Number of reconciled trust accounts |
| Inputs: Litigation, staff time, travel, and contractor support | Cost Drivers: Cobell litigation, tribal litigation, and the American Indian Trust Reform Act of 1994 |

System Interfaces: ART v1.0

DOI Program Area Contact: Regina Gilbert (OST and Marlene Walker (BIA)

DOI Work Activity P1: Manage and Preserve Trust Records

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| Program Area: | Indian Trust Fulfillment |
| End Outcome Goal: | SEO 3 - Fulfill Indian Fiduciary Trust Responsibilities |
| Intermediate Outcome Strategy: | SIO 3.4 - Manage Trust Fund Assets for Timely and Productive Use |
| DOI Sub process: | 1c – Manage data |

Examples/Notes:

Work Activity Description: Includes all costs associated with creating, managing, and preserving trust records with adequate and proper documentation so that the information necessary to fulfill DOI's fiduciary responsibilities is protected, available, and accessible to beneficiaries as follows:

- ◆ Ensure necessary Indian records are maintained;
- ◆ Evaluate the trust records program at the agency and regional office level of BIA/OST;
- ◆ Develop record retrieval policies and procedures and informing customers of policies and procedures;

Records retention needs are met through authorized schedules in accordance with National Archives and Records Administration (NARA);

Records are safeguarded throughout their life-cycle by developing and implementing records preservation technology plan, improve security for existing facilities, and consolidation of all records to be in the possession at the Federal Records Center (FRC).

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| Output: Records preserved | Unit of Measure: Number of records preserved |
| Inputs: Staff time, travel contract support, shipping/printing costs, storage, equipment, security and IT costs | Cost Drivers: American Indian Trust Fund Management Reform Act of 1994, the Federal Records Act, Cobell litigation, OMB Circular A-123, and 36 CFR 1220-1236 |

System Interfaces: MS Office Professional

DOI Program Area Contact: Regina Gilbert (OST) and Marlene Walker (BIA)

DOI Work Activity T7: Provide Beneficiary Trust Representation Services

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| Program Area: | Indian Trust Fulfillment |
| End Outcome Goal: | SEO 3 - Fulfill Indian Fiduciary Trust Responsibilities |
| Intermediate Outcome Strategy: | SIO 3.1 - Improve Indian Fiduciary Trust Beneficiary Service |
| DOI Sub process: | 3b – Provide direct community services |

Work Activity Description: Activity includes all costs associated with beneficiary trust representation involving proactively communicating, providing trust management services, and representing the best interests of the beneficiaries in all trust matters. Also includes all costs to provide beneficiaries with timely and accurate information on trust accounts as follows:

- ◆ Advise beneficiaries and other DOI personnel on trust management processes and issues;
- ◆ Represent beneficiaries in fiduciary trust interests concerning trust assets and provide oversight of land and natural resource management;
- ◆ Provide beneficiaries with timely and complete fiduciary trust information and reports, and conduct consultation with tribal and individual trust beneficiaries regarding management of fiduciary trust assets via telephone, walk-in, facsimile, letter or email;
- ◆ Operation of the OST 1-800 Customer Service call center for the purpose of communicating and interacting with Indian beneficiaries and other requestors;
- ◆ Facilitate beneficiary involvement in developing trust management plans, acquisition and disposal, and conveyances of trust assets;
- ◆ Provide Indian tribes with technical assistance to develop, implement, and manage their tribal trust fund investment plans;
- ◆ Provide outreach meetings with tribes and beneficiaries by advertising in Indian Country to begin resolving issues (i.e., development and implementation of outreach plan);
- ◆ Increase the number of tribes that participate in cooperative audit programs for mineral leases;
- ◆ Provide hands-on opportunities (through the Intergovernmental Personnel Act [IPA] program) to give Tribes knowledge and experience in performing royalty management processes; and
- ◆ Coordinate DOI efforts in providing trust services.

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| Output: Response to request | Unit of Measure: Number of requests processed |
| Inputs: Request/contact (telephone, fax letter, e-mail or walk-in) staff time, duplication costs, travel, and IT costs | Cost Drivers: Request for service information and American Indian Trust Fund Management Reform Act (1994) |

System Interfaces: MS Excel/Access, manual logs, Trust Fund Accounting System (TFAS), Histran, A-17, Stratavision, and Customer Strata Station (CSS)

DOI Program Area Contact: Regina Gilbert (OST), Marty Heinze (MMS) and Marlene Walker (BIA)

DOI Work Activity U0: Provide Trust Financial Management Services

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| Program Area: | Indian Trust Fulfillment |
| End Outcome Goal: | SEO 3 - Fulfill Indian Fiduciary Trust Responsibilities |
| Intermediate Outcome Strategy: | SIO 3.4 - Manage Trust Fund Assets for Timely and Productive Use |
| DOI Sub process: | 3b – Provide direct community services |

Examples/Notes:

Work Activity Description: Activity includes all costs associated with trust financial management of Tribal and individual beneficiary trust accounts involving managing the collection, receipt, investment, and disbursement of funds generated by assets, as well as reporting on trust management activities. Also includes all costs to standardize processes, systems, and manage all account information as follows:

- ◆ Collect funds from non-mineral leasing activities;
- ◆ Collect gross mineral lease revenue;
- ◆ Process receipt/collection of funds from trust assets;
- ◆ After receipt of funds, maintain account balances, invest, disburse, and issue timely statements;
- ◆ Facilitate distribution of funds and assist with collection of revenues from trust assets determined by ownership of land and natural resource assets;
- ◆ Distribution of trust revenue by sending funds to the Office of Trust Funds Management (OTFM) as well as the BIA sending information necessary for OTFM to distribute funds;
- ◆ Invest trust fund assets as regulated by statute while considering the best interest of the beneficiaries; and
- ◆ Prepare financial reports on trust accounts and reconcile trust fund financial transactions and asset balance.

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| Output: Trust account transactions completed (i.e., account update, disbursements, etc.) | Unit of Measure: Number of completed trust account transactions (i.e., account update, disbursements, etc.) |
| Inputs: Work tickets with support documentation, account holder request, other government agency request, checks, money orders, schedule of collections, MMS form 2014, royalty reports, royalty checks and transfer of electronic funds, lease data from BIA and BLM, journal voucher, earnings and investments, disbursement authorization, staff time, contractor support, supplies/materials, and IT costs. | Cost Drivers: Requests for account holders, receipt of income from investments, judgment awards, the collection and distribution of trust revenue and reports from royalty payers to Indian beneficiaries |

System Interfaces: TFAS, NX/a-17, Historical Query Database, OTFM Accounting Processing Control Log Database, CSS, Range Payout System, FFS & InfoPac reports, CA\$HLINK II, GOALS II, IPAC, IRMS, LRIS, TAAMS, PACER, ECS, DADS, ODR Database, and MMS mineral revenue financial management system.

DOI Program Area Contact: Regina Gilbert (OST), Marty Heinze (MMS) and Marlene Walker (BIA)

DOI Work Activity U1: Complete Tribal Water Settlements

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|---------------------------------------|--|
| Program Area: | Indian Trust Fulfillment |
| End Outcome Goal: | SEO.3 - Fulfill Indian Fiduciary Trust Responsibilities |
| Intermediate Outcome Strategy: | SIO 3.1 - Improve Indian Fiduciary Trust Beneficiary Service |
| DOI Sub process: | 3b – Provide direct community services |

Examples/Notes:

Work Activity Description: Activity includes all costs associated with negotiating, meeting, and drafting agreements/settlements; and planning, designing and constructing features necessary to meet tribal water rights settlements.

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| Output: Settlements | Unit of Measure: Number of settlements completed/fulfilled |
| Inputs: Outreach plan and inquiries received | Cost Drivers: Outreach plan and inquiries received |

System Interfaces: MS Office Professional

DOI Program Area Contact: Marlene Walker (BIA)

DOI Work Activity U2: Determine Indian Trust Ownership

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|---------------------------------------|--|
| Program Area: | Indian Trust Fulfillment |
| End Outcome Goal: | SEO 3 - Fulfill Indian Fiduciary Trust Responsibilities |
| Intermediate Outcome Strategy: | SIO 3.2 - Improve Indian Trust Ownership and Other Information |
| DOI Sub process: | 3b – Provide direct community service |

Examples/Notes:

Work Activity Description: Activity includes all costs associated with the accuracy of data upon which trust land is maintained, trust land ownership is determined, trust income distributed, and trust accounts managed. Also includes all costs to standardize trust data elements, to implement quality controls that will ensure trust data is accurate, current, and secure as follows:

- ◆ Determine ownership of land and natural resource assets to facilitate distribution of funds and assist with collection of revenues from trust assets;
- ◆ Obtain cadastral surveys from BLM to establish accurate surveys and ensure collect boundaries for individual and tribal lands; and
- ◆ Provide title, realty, and administrative information. This entails developing, maintaining, and making readily available accurate and current land asset ownership and administrative information, including acquisition, conveyance, encumbrances such as right of way and easements, mortgages and assignments, and disposal functions.

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| Output: Trust ownership transactions processed | Unit of Measure: Number of trust ownership transactions processed |
| Inputs: Staff time, contractor support, supplies/materials, travel, and IT costs | Cost Drivers: Accuracy of trust data, document processing backlog, title documents, realty documents |

System Interfaces: LRIS, TAAMS, Histran, A-17, BIA agency and Tribal Office tracking system, OAS Regional Appraisal Office Tracking system, GIS, BIA Land Inventory Database, BIA Lease Database, and BIA Ownership Database.

DOI Program Area Contact: Marlene Walker (BIA)

DOI Work Activity U4: Administer Probate on Indian Trust Estate

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| Program Area: | Indian Trust Fulfillment |
| End Outcome Goal: | SEO 3 - Fulfill Indian Fiduciary Trust Responsibilities |
| Intermediate Outcome Strategy: | SIO 3.2 - Improve Indian Trust Ownership and Other Information |
| DOI Sub process: | 3b – Provide direct community services |

Examples/Notes:

Work Activity Description: Activity includes all costs associated with processing probate cases and verifying the accuracy of data used to determine appropriate ownership of trust assets for effective probate management, resulting in the elimination of the backlog, and streamlining and improving the probate process as follows:

- ◆ Facilitate probate processing, preparing probate packages for hearings, reviewing probate packages, rendering probate decisions, and distributing trust assets to beneficiaries;
- ◆ Provide estate planning services to Indians and Native Alaskans, such as consultation and reviewing land options, reviewing, preparing and securing wills;
- ◆ Perform probate on trust assets, including attending hearings and gathering family data; and
- ◆ Facilitate oversight, support, and assistance provided to the Department in eliminating the backlog of probate cases effectively to meet asset management and beneficiary service requirements.

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| Output: Indian trust probates processed | Unit of Measure: Number of Indian trust probates processed |
| Inputs: Staff time, contractor support, supplies and materials, travel, and IT costs | Cost Drivers: Receipt of death notification, land ownership fractionation, accuracy of trust data, and document processing backlog |

System Interfaces: MS Excel, TFAS, Histran, A-17, Stratavision, CSS, LRIS, TAAMS, BIA agency and Tribal Office tracking system, GIS, GIA Land Inventory Database, BIA Ownership Database, ProTRAC

DOI Program Area Contact: Regina Gilbert (OST) and Marlene Walker (BIA)

DOI Work Activity Z2: Support Indian Self Governance/Determination/Empowerment

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|---------------------------------------|---|
| Program Area: | Indian Trust Fulfillment |
| End Outcome Goal: | SEO 3 - Fulfill Indian Fiduciary Trust Responsibilities |
| Intermediate Outcome Strategy: | SIO 3.5 - Support Indian Self Governance and Self Determination |
| DOI Sub process: | 3c – Provide Technical Assistance |

Examples/Notes:

Work Activity Description: Includes all costs associated with negotiating, writing, providing technical assistance to Tribes that compact/contract for the administration of Trust assets, implementing the agreements and monitoring the administration of Trust assets by the Tribe to ensure compliance with fiduciary standards as follows:

- ◆ Transfer DOI programs to Tribes under the purview of Public Law 93-638;
- ◆ Negotiate annual funding agreements;
- ◆ Negotiate new compact/contract requests;
- ◆ Conduct annual evaluations of tribal contract and compact agreements; and
- ◆ Monitor Tribal contract and compact agreements to ensure compliance with contractual obligations/requirements, FOGRMA 202 Agreements with Tribes to perform audits for their Tribal mineral royalties, including all agreement related costs.

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| Output: Compact/638 contract awarded | Unit of Measure: Number of compact/638 contracts awarded |
| Inputs: Staff time, travel, contractor support, supplies, Tribes compact or contract agreement to administer Trust assets, and IT costs | Cost Drivers: Indian Self Determination Act, number of tribes that compact/contract with the government to administer trust assets, American Indian Trust Reform Act of 1994 |

System Interfaces: MS Office Professional

DOI Program Area Contact: Regina Gilbert (OST), Marty Heinze (MMS) and Marlene Walker (BIA)